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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,071	01/13/2004	Mathew Michael Hedding	43807001	4125

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Intellectual Property Department
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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,071

Applicant(s)

HEDDING, MATHEW MICHAEL

Examiner

Yewebdar T Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/13/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 20 is rejected under 35 U.S.C. 102(a) as being anticipated by Nieto (US 6,613,147). Nieto discloses (see Figs 1 and 3-4) a portable spray box (booth) comprising a box floor (bottom wall 16) having opposing floor sides spaced by opposing box entry and exit floor ends (openings 24); a pair of box sidewalls (22) rising from the box floor sides; a box roof (top 14) extending between the box sidewalls above the box floor (16); opposing box endwalls (18,20) extending between the box sidewalls (22) at the box entry and exit floor ends, the box endwalls (18,20) each having a board aperture defined therein, wherein the board passage extends between the board passage apertures (openings 24); one or more spray nozzles situated within the spray box along the board passage (spray nozzles 38); support rollers (32) situated along the board passage, the support rollers being placed and oriented to translatably support boards passing through the board passage and wherein a board may be placed on the support rollers (32) to roll through the board passage to receive spray from the spray nozzles (38); and a liquid supply source (container 46) to which the spray nozzle (38) are connected, the liquid supply source being in fluid communication with one or more of the box floor (16), the box sidewalls (22), and the box endwalls (18,20), whereby the

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liquid supply source (container 46) may supply spray to the spray nozzles (38) and receive any spray collected in the spray box near the box floor (lowest point 26 of the spray box).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-9, 11-12, 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieto (US 6,613,147) in view of Holtzman (US 2,751,879).

As to claims 1, 4 and 16, Nieto discloses (see Figs 1 and 3-4) a portable spray box (booth) comprising a box floor (bottom wall 16) having opposing floor sides spaced by opposing box entry and exit floor ends (openings 24), the box floor having a drain hole (drain hose 48 having hole) therein; a pair of box sidewalls (22) rising from the box floor sides; a box roof (top 14) extending between the box sidewalls above the box floor

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(16); a board passage extending through the spray box (booth) between the box entry and exit floor ends (openings 24) and between the box floor sides (16), and below the box roof (14) and above the box floor (16); support rollers (32) situated along the board passage, the support rollers being placed and oriented to translatablely support boards passing through the board passage and wherein a board may be placed on the support rollers (32) to roll through the board passage to receive spray from the spray nozzles (38). Nieto also discloses one or more spray nozzles (38) and a liquid supply source (container 46) to which the spray nozzle (38) are connected, the liquid supply source being in fluid communication with the drain hole (drain hose 48 having hole), whereby the liquid supply source (container 46) may supply spray to the spray nozzles (38) and receive any spray collected at the bottom (lowest point 26) of the spray box from the drain hole (drain hose 48 having hole). Nieto further discloses a pump (44) having a pump inlet in fluid communication with at least one of the box floor (16), the box sidewalls (22), whereby the pump may receive any spray collecting in the spray box near the box floor (16). Nieto lacks teaching the box roof having one or more spray nozzle aperture whereby spray nozzles (38) situated or mounted in the spray nozzle apertures. Holtzman discloses (see Figs 2 and 4; and column 2, line 72) a box roof (52) having apertures (openings) wherein the nozzles 53 situated in the openings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a box roof having one or more spray nozzle aperture whereby spray nozzles (38) situated in the spray nozzle apertures to easily move or adjust the positioning of the nozzles along the roof or hood relative to the substrate.

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As to claim 2, Nieto discloses (see Figs 1 and 3-4) the box floor (16) sloping downwardly to the drain hole (drain hose 48).

With respect to claim 3, Nieto discloses (see Figs 1 and 3-4) drain hole (drain hose 48) in fluid communication with a liquid supply source (46).

As to claim 5, in Nieto (see Figs 1 and 3-4) the support rollers (32) extend from the box sidewalls (22) and are rotatably mounted thereon.

As to claim 6, Nieto lacks teaching guide stops located above the support rollers and extending between the box entry and exit floor ends at opposing sides of the board passage. Holtzman discloses (see Fig 3) guide stops (belts 41) located above the support rollers (21) between the entry and exit floor ends. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include guide stops or belts in Nieto to guide the substrate or board along the coating section.

With respect to claim 7, in Nieto (see Figs 1 and 3-4) opposing box endwalls (18,20) extending between the box sidewalls (22) at the box entry and exit floor ends, the box endwalls (18,20) each having a board aperture defined therein, wherein the board passage extends between the board passage apertures (openings 24).

With respect to claims 8-9, Nieto discloses (see Fig 3) a lip portion at the board passage apertures (opening 24). However a lip that has at least one of the support rollers mounted thereon is not taught in Nieto. Holtzman discloses (see Fig 2-3 and 6) a lip portion of the board passage opening having rollers (21) mounted thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount rollers at the tip portion of the board passage apertures (openings) in Nieto in

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processing boards having a length not more than the length of the coating zone, similar to the boards shown by Holtzman.

Regarding claims 11 and 14, Nieto lacks teaching the box sidewalls split along their height and define upper spray and lower spray box portions hinged together at one of the box sidewalls and a handle extending from the spray box. Holtzman discloses (see Fig 4) upper and lower spray sections (25a and 25b) including the box roof and the box floor (hood 52 and 43 respectively) hinged together at one of the frame sections and a handle (see Fig 2) extending from the spray box. It would have been obvious to one of ordinary skill in the art at the time the invention was made to define upper and lower spray portions hinged together at one of the sidewall and to include a handle for the spray box to easily access the application area for maintenance or cleaning purposes.

As to claim 12, Nieto discloses two or more spray nozzle (38) extending along the top 14), which are spaced at different distances from the box sidewalls (22). The box roof having two or more apertures is not taught in Nieto. Holtzman discloses (see Figs 2 and 4; and column 2, line 72) the box roof (52) having an aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a box roof having two or more apertures in Nieto to pass the two or more spray nozzles through for multiple effect of applying paint.

As to claim 17, Nieto discloses a pump (44) in fluid communication with a liquid supply source (46), which is in communication with one or more spray nozzles (38).

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With respect to claim 18, Nieto discloses (see Fig 1) support rollers (54) provided outside the spray box on one of the box endwalls (18,20)

6. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieto (US 6,613,147) in view of Holtzman (US 2,751,879) as applied to claim 1 above, and further in view of Woodruff (US 5,685,658). Nieto discloses (see Fig 3) a brush (42) included at the box end walls (20) or mounted along the board passage. An application roller is not taught in Nieto. However, in the application of paint roller-brushes are known in the art for rolling fluid onto surfaces. For instance Woodruff teaches (see column 1, lines 9-31 and Fig 3) that bristle-brushes taking a great amount of time to spread paint than roller-brushes (44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use roller brushes instead of brushes in Nieto to uniformly spread the applied paint.

7. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieto (US 6,613,147) in view of Holtzman (US 2,751,879) as applied to claim 1 or 16 above, and further in view of Thurnau (US 2,280,984). Nieto discloses (see Fig 3) legs (30) supporting the spray box (booth). However, wheeled legs are not taught in Nieto. It is well known in the art to use wheeled legs supporting spray box or booth for the purpose of transportation. For instance, Thurnau discloses a portable booth having wheeled legs (see Figs 1-2). It would have been obvious to one of ordinary skill in the


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art at the time the invention was made to use wheels for the legs of the spray booth in Nieto to easily transport the box or booth from place to place.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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